

EXHIBIT E

From: Bloom, Mark
Sent: Wednesday, August 7, 2024 11:24 AM
To: Jason Binford; Ron Satija; Michael Conway; Tobin, Shane P. (USTP); Todd Headden (theadden@haywardfirm.com)
Cc: Burch, Alexander
Subject: RE: artiusi.D - Status Conference Transcript
Attachments: Redline-Order Abating (8.1.24)(TBH RS Edits)- UST comments.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning All.

With appreciation to Jason for expediting its delivery, I've now reviewed the transcript and believe that it entirely supports the proposed form of Order on which he and I have agreed. I attach a copy of that draft Order for ease of reference (same version as sent previously), and call your attention in particular to Judge Bradley's pronouncements at page 19, lines 5-20.

I also regret to report a flight delay and likely missed connection today that may require me to reschedule our call set for 8:30 CDT this afternoon. I will keep everyone informed if I need to change, but based on the transcript I would suggest that the attached form of Order is faithful to the August 1 proceedings and Judge Bradley's disposition and so no call may be necessary. If you are in agreement, kindly advise so that we may accept all the track changes and upload by end of day. In terms of compliance with that Order, our client has accepted its terms and is compiling a creditor matrix to be submitted under penalty of perjury, along with the financial information to submit to Shane. I am working on a draft Consent Stipulation and Motion to proceed as provided in the proposed form of Order.

Thank you all for your cooperation in advancing this process.

From: Jason Binford <jason.binford@rsbfirm.com>
Sent: Tuesday, August 6, 2024 7:30 PM
To: Bloom, Mark <Mark.Bloom@bakermckenzie.com>; Ron Satija <rsatija@satijatrustee.com>; Michael Conway <mconway@lpgmlaw.com>; Tobin, Shane P. (USTP) <Shane.P.Tobin@usdoj.gov>; Todd Headden (theadden@haywardfirm.com) <theadden@haywardfirm.com>; Burch, Alexander <Alexander.Burch@bakermckenzie.com>
Subject: [EXTERNAL] RE: artiusi.D - Status Conference Transcript

Attached is a copy of the 8/1 status conference transcript.

Jason Binford
Shareholder

ROSS, SMITH & BINFORD, PC

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Austin, TX 78746

Tel 512.351.4778 Email jason.binford@rsbfirm.com

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From: Bloom, Mark <Mark.Bloom@bakermckenzie.com>

Sent: Tuesday, August 6, 2024 2:04 PM

To: Ron Satija <rsatija@satijatrustee.com>; Jason Binford <jason.binford@rsbfirm.com>; Michael Conway <mconway@lpgmlaw.com>; Tobin, Shane P. (USTP) <Shane.P.Tobin@usdoj.gov>; Todd Headden <theadden@haywardfirm.com> <theadden@haywardfirm.com>; Burch, Alexander <Alexander.Burch@bakermckenzie.com>

Subject: Re: artiusi.D followup call on draft Order from Status Conference

Just where is your needle, Ron? Surely you don't deny that the Judge agreed to enter the stay and discharge you of responsibility for estate assets during the pendency of that stay. Respectfully, that announcement on the record puts you in the back seat or outside the car entirely, not asking to see a map so that you can drive it.

In deference to your desire to see a transcript I will schedule another call for late tomorrow afternoon. You should keep in mind, however, that the additional features you and the USTrustee have requested for inclusion in the proposed Order go well beyond anything that you will find in that transcript. We have agreed to all or substantially all of those requests in an effort to submit an Order promptly on a simple and straightforward status conference at which we announced and the Judge accepted our intention to proceed in the manner spelled out by the Bankruptcy Code and Rules, but we do not have infinite patience to negotiate with you over points that have been addressed and to which you and Todd offered no objection in the original draft order presented.

From: Ron Satija <rsatija@satijatrustee.com>

Sent: Tuesday, August 6, 2024 2:51:56 PM

To: Bloom, Mark <Mark.Bloom@bakermckenzie.com>; jason.binford@rsbfirm.com <jason.binford@rsbfirm.com>; Michael Conway <mconway@lpgmlaw.com>; Tobin, Shane P. (USTP) <Shane.P.Tobin@usdoj.gov>; Todd Headden <theadden@haywardfirm.com> <theadden@haywardfirm.com>; Burch, Alexander <Alexander.Burch@bakermckenzie.com>

Subject: [EXTERNAL] RE: artiusi.D followup call on draft Order from Status Conference

All: this call is not useful for me until we get the transcript tomorrow. The needle has not moved for me since yesterday's call.

Ron

Ron Satija
U.S. Bankruptcy Trustee
P.O. Box 660208
Austin, TX 78766-7208
(737) 881-7102

-----Original Appointment-----

From: Bloom, Mark <Mark.Bloom@bakermckenzie.com>

Sent: Tuesday, August 6, 2024 8:37 AM

To: Bloom, Mark; jason.binford@rsbfirm.com; Michael Conway; Tobin, Shane P. (USTP); Todd Headden <theadden@haywardfirm.com>; Ron Satija; Burch, Alexander

Subject: artiusi.D followup call on draft Order from Status Conference

When: Tuesday, August 6, 2024 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: <https://bakermckenzie.zoom.us/j/92032819050?pwd=NavMy1AAklxbV7jRa3dDUrNOpuJObr.1>

Mark Bloom is inviting you to a scheduled Zoom meeting.

To join a Zoom meeting from a Laptop / Mobile Phone please click here:

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Password:507324



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833 928 4610 (Toll Free)
877 853 5257 (Toll Free)
888 475 4499 (Toll Free)
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833 548 0282 (Toll Free)
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Meeting ID:
920 3281 9050

Password:507324

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115.114.115.7 (India Hyderabad)
213.19.144.110 (Amsterdam Netherlands)
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103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
209.9.211.110 (Hong Kong SAR)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
159.124.132.243 (Mexico)
159.124.168.213 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:	§	Case No. 23-11007-cgb
	§	
ARTIUSID, INC.,	§	Chapter 7
	§	
Alleged Debtor.	§	

**ORDER ABATING PROCEEDINGS ON DEBTOR'S MOTION FOR REHEARING,
GRANTING STAY OF ORDER FOR RELIEF PENDING EXPEDITED HEARING ON
CONSENSUAL DISMISSAL OF INVOLUNTARY CASE,
AND SETTING PROCEDURES FOR APPROVAL OF DISMISSAL**

THIS MATTER came before the Court for Status Conference on Thursday, August 1, 2024 (the "Status Conference"), pursuant to the Court's *Order Setting Status Conference on Motion for Rehearing of the Order for Relief* [ECF No. 74]. As referenced in that Order, the Debtor's *Motion for Rehearing, Etc.* [ECF No. 70] (the "Motion for Rehearing") was directed to the *Order for Relief Under Chapter 7* [ECF No. 62] (the "Order for Relief") entered by the Court on July 24, 2024,

following the entry of its *Opinion on Motion to Dismiss Involuntary Case* [ECF No. 60] and *Order Denying Motion to Dismiss* [ECF No. 61] on July 23 and 24, 2024, respectively.

At the Status Conference, counsel for the Debtor and Petitioning Creditors announced the terms of a settlement pursuant to which the Involuntary Petition [ECF No. 1] shall be dismissed by consent upon payment of an agreed sum to the trust account of New York litigation counsel for the Petitioning Creditors, subject to compliance with the procedures set forth in section 303(j) of the Bankruptcy Code, 11 U.S.C. §303(j), and to a stay of the Order for Relief pending such compliance and dismissal. The Court having heard from counsel for the Debtor, Petitioning Creditors, the Chapter 7 Trustee and other parties in interest on the record at the Status Conference, and otherwise being duly advised in the premises, finds and determines that the proposed ~~disposition procedures~~ as set forth on the record ~~and below is~~are reasonable and calculated to avoid prejudice to the interests of all parties in interest. Accordingly, it is

Commented [BM1]: Changes here acceptable.

ORDERED AND ADJUDGED AS FOLLOWS:

1. Pursuant to section 303(j) of the Bankruptcy Code, the Debtor and Petitioning Creditors shall promptly ~~-(within 7 days of entry of this order) a-~~file a stipulation and/or joint motion setting forth their consent to the dismissal of the Involuntary Petition (the "Dismissal Motion") and, if appropriate, under section 707 of the Bankruptcy Code, 11 U.S.C. §707, the terms of such dismissal, and the proposed procedures for notice and hearing in respect of that disposition.
2. Pursuant to Local Rules 9013 and 9014 of this Court, the Debtor and Petitioning Creditors ~~shall attach to the Dismissal Motion and file separately with the Court a [Proposed] Order scheduling a hearing on the Dismissal Motion, upon notice to all~~

Commented [BM2]: Changes here acceptable.

Commented [BM3]: Fine.

Commented [BM4R3]: Deleting reference to scheduling order based on decision to proceed on negative notice under LR 9014(a).

~~creditors as required under section 303(j)). The Debtor shall comply with this Court's rules regarding service and negative notice period in respect of the Dismissal Motions and rules for expediting hearings.~~ In connection with that Motion, ~~the~~ Debtor shall identify ~~such~~ all known creditors, whether their claims are contingent, disputed, or unliquidated, and file, under penalty of perjury, a ~~creditor's~~ matrix identifying the creditors ~~to be identified~~ by name and last known address. The Debtor shall serve the Dismissal Motion and attachments and any notice of hearing upon all ~~on and such list of~~ creditors and interested parties, including ~~to~~ shall be attached to the Dismissal Motion and shared with the Chapter 7 Trustee and the United States Trustee, and file a certificate of service of same.

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3. Pending a final disposition of the Dismissal Motion at the hearing to be scheduled as set forth above:

a. The Order for Relief be and hereby is **STAYED IN ALL RESPECTS**, upon the condition that during the period of such stay the Debtor shall make no transfers or dispositions of assets outside the ordinary course of its business;

b. Except as otherwise set forth herein the Chapter 7 Trustee shall be **DISCHARGED** of any responsibility to act as a Trustee under section 704 of the Bankruptcy Code, 11 U.S.C. §704, subject to further order of the Court; and

Commented [BM5]: Change accepted.

c. All ~~proceedings~~ on the Motion for Rehearing are hereby **ABATED**.

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4. Notwithstanding the entry of the Stay as set forth in the preceding paragraph, the Chapter 7 Trustee shall have the right to appear and be heard in respect of the Dismissal Motion

and any other matter, ~~including seeking information and proof of the financial affairs of the Debtor under § 704(a),~~ and to seek the allowance and payment of Trustee fees and expenses ~~as a condition of the dismissal of this case.~~

Commented [BM6]: Yes as to fees and expenses, as covered at the hearing. Reference to 704(a) appears inconsistent with discharge of Trustee responsibility in 3b, and Judge's statement on record yesterday that during the stay period Ron shall have no responsibilities to act as Chapter 7 Trustee.

5. The Debtor shall ~~report weekly~~ submit the following cash flow reports- to the U.S. Trustee:

a. On a one-time basis, a recent cash flow statement covering a six-month period prior to July 24, 2024; and

b. On a bi-weekly basis commencing on July 24, 2024, to be filed within ~~7~~ 1 days from the close of each such period pending further Order of the Court ~~and the Chapter 7 Trustee regarding its use of funds.~~

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6. ~~Any~~The Dismissal Motion also will present the ~~settlement between the Debtor and its creditors.~~ Petitioning Creditors to the Court for approval in accordance with ~~will comply with~~ Bankruptcy Rule 9019.

~~§.7.~~For avoidance of doubt, the relief set forth in this Order is effective immediately as of the Status Conference.

###

Submitted by:

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